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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,062	07/29/1999	DAVID CHARLES VIANO	DP-300298	7639

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EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/363,062

Applicant(s)

VIANO ET AL.

Examiner

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 12-14 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12-14 and 16-20 is/are allowed.
- 6) ☐ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 31.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed 2nd Non-Final Action

Acknowledgment

1. Receipt of the IDS and amendment filed 11/20/03 and 12/16/03 has been acknowledged and entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hollow tube diffuser with plurality of apertures of claim 27 must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 24, 30-33 is rejected under 35 U.S.C. 102(b) as being anticipated by Suyama et al. (US. patent 5,575,497).

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Suyama discloses a single frontal air bag (col 1 - 65-67 and figure 3A) is mounted on the side of the vehicle. However, the frontal air bag may be adapted for mounting solely to a front pillar of the vehicle, and wherein the frontal air bag adapted to be inflated and extend downward and sideways in a lateral direction in front of an occupant seated in the vehicle. The examiner takes position that the word "adapted" is not a positive limitation but only requires the ability to so perform. Therefore, Suyama meets all the functional language limitations in the broadest sense:

With regard to claim 22, Suyama discloses an inflator adapted to be mounted to vehicle structure.

With regard to claims 24, 30-32 Suyama discloses all of the claimed limitations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama and in view of Miyahara et al. (6,234,517 B1).

Suyama is disclosed above but lacks the teaching of trim molding covering the frontal air bag and displayed during deployment of the air bag.

Miyahara discloses an air bag apparatus including a trim molding (25) as a garnishment that displaced during deployment of the air bag.

Based on the teaching of Miyahara, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag system of Suyama to include the trim molding of Miyahara so as to provide cosmetic/appearance to the air bag system.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama and in view of Wipasuramonton et al. (5,615,909).

Suyama is disclosed above but lacks the teaching of a neck portion that connected to at least one panel of the air bag.

Wipasuramonton discloses a neck portion for the air bag so as to provide better angle of deployment (figure 6).

Based on the teaching of Wipasuramonton, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the air bag system of Suyama to include the neck portion of Wipasuramonton so as to provide the air bag with a better angle of deployment.

6. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama and in view of Boerger (6,050,596).

Suyama as is disclosed above but silence with regard to the diffuser.

Boerger teaches an air bag safety device with a hollow diffuser tube to help control/distribute the air pressure.

Based on the teaching of Boerger, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag system of

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Suyama to include the diffuser of Boerger so as to provide the air bag device with a means to control/distribute the air pressure.

7. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama and further in view of Yamada (5,884,937).

Suyama is disclosed above but lacks the remote inflator.

Yamada teaches an air bag device with the inflator remotely mounted to the vehicle structure so as to eliminate the restriction of the inflator sizes.

Based on the teaching of Yamada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag device of Suyama to include the remote inflator feature of Yamada so as to eliminate the restriction of inflator sizes due to the lack of space in the pillar to accommodate the inflator.

Response to Arguments

8. Applicants' arguments filed 12/16/03 have been fully considered but they are moot in view of new ground of rejection.

Conclusion

9. Claims 12-14 and 16-20 are in condition for allowance. Reasons for allowance have been stated in the previous office action, part of paper # 21.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tony Winner whose telephone number is (703) 306-

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5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



**TONY WINNER
PATENT EXAMINER**

April 5, 2004



**ERIC CULBRETH
PRIMARY EXAMINER**